

Exhibit 26

Subj: **BCDC**
Date: 10/16/2003 10:35:09 AM Pacific Standard Time
From: MSandHILL
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CC: pete@bohleyconsulting.com, MSandHILL

Hi Kent and Pete:

I talked to Alan Pendleton after we spoke, and he has some suggestions.

I have a call into Steve McAdams at BCDC to ask about the timing of the **permanent guarantee** of the open space and public access.

Alan said that if we have prepared the instrument to do this and send it to BCDC for review prior to the completion of the paperwork with Cargill and Redwood City, it should be OK, since its only an issue of timing but not of substance. He thought McAdams might be OK with this and we could proceed with site prep if they approved the form.

I then asked what other methods to permanently guarantee are commonly used. Alan said we could offer a public easement to Redwood City. The city would be OK with the open space, but probably won't accept the liability of the public access areas. He went on to say that a deed restriction would also accomplish the guarantee, which could be put in escrow and closed later. This might be fastest.

Alan said that staff will go to its own attorney anyway, and that it would be better if you just called him directly and spoke attorney-to-attorney. John Smith is the Senior Staff Attorney, and he is apparently a reasonable guy (415-352-3600). Perhaps you and he could discuss the best way to guarantee these restrictions and still proceed with the initial site prep.

Pete, we also talked about the Plan Review, as required in Section 11, A.1. Alan said that we could go engineer-to-engineer and save a lot of time. However when I called BCDC they said there is no longer an engineer on staff, so Brad MacCrae (landscape architect) would probably look at it. I explained that the "Site Preparation" part of Phase one is very simple, mostly consisting of the wicking and surcharge area, and the road crossings from PSC. Andrea Gaut said that we should still send this to her, and she could probably handle it, and would turn it around fast.

Please look at the specific requirements of Section II.A.1.a and b because they will look for these items.

It may be that I will need to run up to BCDC this PM with the drawings.

mark

DWGS/PLANS / REVIEW